

REMARKS

The Office examined claims 29-57, and all claims are rejected. With this response claims 29-30, 32, 34 and 55 are amended, and claims 43-54 and 56-57 are cancelled. All amendments are fully supported by the specification as originally filed. Support for the amendments to claims 29 and 55 can be found at least from page 9, lines 24-33 of the specification as filed.

Applicant respectfully requests reconsideration and withdrawal of the rejections in light of the following remarks.

Information Disclosure Statement

Applicant resubmits a supplemental information disclosure statement with a 1449 form listing the reference that was not considered due to lack of publication date.

Claim Rejections Under § 112

In section 7, on page 3 of the Office Action, claims 34 and 48 are rejected under 35 U.S.C. § 112, second paragraph as being indefinite. Claim 34 is amended to recite that "a next entry is based on at least one subsequent descriptive information of media items fulfilling the first entry." Applicant respectfully submits that claim 34 as amended is definite, and respectfully requests withdrawal of the indefiniteness rejection.

The rejection to claim 48 is moot in light of the cancellation of claim 48.

Claim Rejections Under § 101

In section 9, on page 4 of the Office Action, claims 29-42 and 55 are rejected under § 101 as being directed to non-statutory subject matter. The Office asserts that claims 29 and 55 do not produce a tangible result because the claimed subject matter fails to produce a result that is limited to having real world value rather than a result that may be interpreted to be abstract in nature. Claims 29 and 55 are amended to recite "presenting each cluster and any sub-clusters as an individual media item to a user interface." Therefore, claims 29 and 55 as amended produce a useful, concrete and tangible result, because the claims present an individual media item to a user interface. The result achieves real world value, because the individual media item is presented to

a user interface. As such, applicant respectfully submits that claim 29 and 55, as well as those claims depending therefrom, are statutory.

In section 10, on page 5 of the Office Action, claims 43-54 are rejected under 35 U.S.C. § 101, because the claimed invention is directed to non-statutory subject matter. Applicant respectfully submits that the rejection of claims 43-54 is moot in light of the cancellation of those claims.

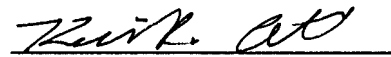
In section 11, on page 6 of the Office Action, claims 56-57 are rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Applicant respectfully submits that the rejection of claims 56-57 is moot in light of the cancellation of those claims.

Conclusion

Applicant respectfully submits that the application is in condition for allowance and such action is earnestly solicited. The undersigned hereby authorizes the Commissioner to charge any fee deficiency required to submit this response to deposit account 23-0442.

Respectfully submitted,

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